

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,
Plaintiff,
v.
FIDELITY ADVISOR LEVERAGED
COMPANY, et al.,
Defendants.

Case No. 1:24-cv-01584-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' RULE 12(B)(6) MOTION TO
DISMISS WITH PREJUDICE, DENYING
OUTSTANDING MOTIONS AS MOOT, AND
ISSUING PRE-FILING ORDER AGAINST
PLAINTIFF

Docs. 5, 9

Plaintiff Nathaniel Dwayne Caetano is a state prisoner proceeding *pro se* in this civil rights action. Doc. 1. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 5, 2025, the assigned magistrate judge issued findings and recommendations to grant defendants' motion to dismiss with prejudice and deem plaintiff a vexatious litigant. Doc. 9. The assigned magistrate judge found plaintiff's claims were frivolous, were based on sovereign citizen ideology, and were substantially similar to claims he previously filed against defendants and that were dismissed for failure to state a claim. *Id.* at 8–9. Accordingly, the assigned magistrate judge found that granting plaintiff leave to amend would be futile. *Id.* at 10. The magistrate judge also concluded that “a pre-filing order is warranted due to the vexatious nature of plaintiff's previous litigation.” *Id.* at 15. The findings and recommendations contained

1 notice that any objections thereto were to be filed within thirty days after service. *Id.* at 16. No
2 objections were filed and the time to do so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
4 novo review of this case. Having carefully reviewed the file, the Court concludes that the
5 findings and recommendations are supported by the record and proper analysis

6 Accordingly, IT IS ORDERED that:

- 7 1. The findings and recommendations issued on March 5, 2025 (Doc. 9) are ADOPTED
8 IN FULL.
- 9 2. Defendants' motion to dismiss (Doc. 5) is GRANTED.
- 10 3. Defendants' request that plaintiff be deemed a vexatious litigant is GRANTED.
- 11 4. Plaintiff is found to be a vexatious litigant and the Clerk of Court is DIRECTED not to
12 accept future filings from Plaintiff without written authorization from a District Judge
13 or Magistrate Judge of this Court. *See* E.D. Cal. Local Rule 133(b)(2). To the extent
14 that plaintiff seeks such authorization in the future, he must submit a copy of this
15 Order with any proposed filing. The Clerk of the Court is DIRECTED to forward any
16 complaint filed by plaintiff to the Chief District Judge, or any Judge designated by the
17 Chief District Judge, to review and determine whether permission to file should be
18 granted.
- 19 5. This case is DISMISSED, with prejudice; and
- 20 6. All outstanding motions are DENIED as moot.

21 IT IS SO ORDERED.

22 Dated: June 8, 2025

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25 UNITED STATES DISTRICT JUDGE
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